

EVIDENCE — Expert testimony — factors for court to use in determining whether expert is appropriate — Revised 3/2010

In *State v. Chapple*, 135 Ariz. 281, 291, 660 P.2d 1208, 1218 (1983) (*citing United States v. Amaral*, 488 F.2d 1148, 1153 (9th Cir.1973)), a case dealing with the admission of expert testimony on eyewitness identification, the Court stated four criteria that should be applied in determining the admissibility of the expert testimony: (1) whether the person is qualified as an expert; (2) whether the subject is a proper subject for expert testimony; (3) whether the testimony conforms to a generally accepted explanatory theory; and (4) whether the prejudicial effect of the testimony substantially outweighs its probative value. See also *State v. Roscoe*, 184 Ariz. 484, 495, 910 P.2d 635, 646 (1996).